

The appellant was informed that his score of 83.34 indicates full credit for ten years of full-time experience, the maximum allowed, and his seniority score was based on his permanent time in the title Assistant Regional Forester, five years. Five points is the maximum given for seniority, which he received. Pursuant to *N.J.A.C. 4A:4-2.15(c)3*, he was given one PAR point as there was no PAR on file. Based on this review, the appellant was told that there was no scoring error in the calculation of his score.

In response, the appellant argues that there was no PAR rating on file as of the announced closing date for the rating period immediately preceding the announced closing date as his immediate supervisor has a large workload. The appellant brought this matter to the attention of his supervisor, who completed the 2020 PAR on July 6, 2021. He requests that the rule be relaxed and that this PAR be used in scoring as it is now finalized. The appellant's supervisor argues that the appellant has had an "active PAR" on file as his subordinate. He states that he is working through the backlog and did not mean to disadvantage anyone.

CONCLUSION

N.J.A.C. 4A:4-2.15(c), candidates for State service promotional examination shall receive credit for the final PAR rating on file in the candidate's personnel office as of the announced closing date for the rating period immediately preceding the announced closing date. *N.J.A.C. 4A:4-2.15(c)3* states that when there is no final rating on file for a candidate as of the announced closing date, the rating for that period shall be deemed "Successful" in the case of both a three-level rating scale and a five-level rating scale, and credit shall be given for that rating. That is, 1 PAR point is awarded when no final rating is on file.

It has been long-standing practice, since at least the 1970's, for PAR points to be added to examination and seniority scores to arrive at a final average. The manner in which this was done was at the discretion of the former head of this agency until it was codified in the rules. Currently, *N.J.A.C. 4A:4-2.15(c)* states that credit is given for the final PAR rating on file in the candidate's personnel office as of the announced closing date for the rating period immediately preceding the announced closing date. Previous years' ratings are not used. If no rating is received at the end of the rating period immediately preceding the closing date, it must be assumed that the employee's performance was 'Successful' and one point is given.

Further, supervisors are responsible to complete performance assessment agreements for employees under their supervision. Supervisory personnel are held accountable to complete PARS, and this should be reflected in the supervisor's rating. *N.J.A.C. 4A:6-5.2(e)* states that a supervisor's own PAR shall provide that the supervisor shall complete the PAR of his or her subordinates. A supervisor who

fails to timely complete the final ratings of his or her subordinates, or who is responsible for another employee's failure to timely complete a final PAR rating, shall receive a rating of Unsatisfactory, and may be subject to discipline. As long as the appointing authority is making a good faith effort to properly and fully implement the PAR program, the appellant's arguments regarding a relaxation of the rule are unpersuasive. A PAR provided after the closing date may reflect duties and behaviors outside of the rating cycle, and thereby disadvantages any individuals whose PAR scores are based within the rating cycle. Providing credit for the final PAR rating on file for the rating period immediately preceding the announced closing date is reasonable, fair, and administratively feasible. Additionally, there is no basis on which to relax the controlling regulatory provision to accept the untimely FY 2021 PAR as the appellant will always be reachable on the eligible list since he was the second ranked eligible.

A thorough review of the record indicates that the determination of the Division of Agency Services was proper and consistent with civil service regulations, and that the appellant has not met his burden of proof in this matter.

ORDER

Therefore, it is ordered that this appeal be denied.

This is the final administrative determination in this matter. Any further review should be pursued in a judicial forum.

DECISION RENDERED BY THE
CIVIL SERVICE COMMISSION ON
THE 6TH DAY OF OCTOBER, 2021

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